



# NEWS

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D. C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <http://www.fcc.gov>**  
**TTY: 1-888-835-5322**

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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**NEWS MEDIA CONTACT:**  
Mark Wigfield, 202-418-0253  
Email: [mark.wigfield@fcc.gov](mailto:mark.wigfield@fcc.gov)

## **FCC PROMOTES ROBUST, AFFORDABLE BROADBAND BY REDUCING COSTS & DELAYS IN ACCESS TO INFRASTRUCTURE**

### ***Reforms Pole Attachment Rules to Improve Efficiency While Protecting Safety & Reliability; Launches Inquiry on Broader Reform***

Washington, D.C. – Taking another important step forward in its Broadband Acceleration Initiative, the Federal Communications Commission today reformed its pole attachment rules to streamline access and reduce costs for attaching broadband lines and wireless antennas to utility poles across America - a key component of broadband infrastructure. Based on successful models in a number of states, the FCC's Pole Attachments Order balances the need for timely access to poles with the need to ensure the safety of workers and the reliability of our electric grid.

The FCC also opened an inquiry into how the Commission can work with other government entities and the private sector to improve policies for access to other physical spaces where wired and wireless broadband can be deployed, including roadways and other rights of way, and locations for wireless facilities. This sets the stage for further acceleration of broadband deployment in the future.

The cost of deploying broadband networks to consumers and businesses depends significantly on the time and expense service providers must incur to access poles and other essential infrastructure. As part of its strategy to expand access to robust, affordable broadband, the National Broadband Plan recommended that the FCC take steps to reduce the cost and time required for network providers to access utility poles and rights of way.

### **Pole Attachments**

The FCC found that the lack of timelines for access to poles, the resulting potential for delay in attaching broadband equipment to poles, and the absence of adequate mechanisms to resolve disputes creates uncertainty that deters investment in broadband networks. In addition, widely varying and inefficiently high pole rental rates – from an average of \$7 per foot per year for cable companies to \$20 or more for some telephone companies – further discourages broadband deployment.

To address these concerns, the FCC adopted an Order comprehensively reforming its pole attachment rules for the first time since the 1990s. The rules fairly compensate utility pole owners for use of their poles and toughen penalties for unauthorized attachments, which will deter potentially dangerous, unauthorized attachments on poles.

The revised FCC rules:

- Set a maximum timeframe of 148 days for utility companies to allow pole attachments in the communications space, with a maximum of 178 days allowed for attachments of wireless antennas on pole tops, and an extra 60 days for large orders;
- Set the rate for attachments by telecommunications companies at or near the rate paid by cable companies;
- Confirm that wireless providers are entitled to the same rate as other telecommunications carriers;
- Allow ILECs, which are not covered by the rate schedule, to file complaints with the FCC for relief from unreasonable rates, terms, and conditions;
- Clarify that the denial by a utility of a request for attachment must explain the specific capacity, safety, reliability, or engineering concern;
- Encourage negotiated resolution of disputes and pre-planning and coordination between pole owners and attachers, which will be taken into account in any enforcement action; and
- Remove the cap on penalties for unauthorized attachments.

The FCC's oversight of utility poles stems from Section 224 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, which directs the FCC to ensure that rates, terms, and conditions for pole attachments by cable television systems and providers of telecommunications services are just and reasonable.

### **Accelerating Broadband Deployment Inquiry**

In a separate but related matter, the FCC launched a comprehensive inquiry into how it can work with its state, local, Tribal, and federal partners to improve policies for access to rights of way and for wireless facility siting. The broad Notice of Inquiry seeks comment and data regarding challenges and best practices, dispute mediation, and educational efforts, and examines the need for policy guidelines or rules.

The FCC's Notice of Inquiry builds on the record begun during the FCC's February 9 Broadband Acceleration Conference and the work of the Commission's Technological Advisory Council. Other FCC efforts to accelerate broadband deployment include streamlining access to utility poles, speeding wireless tower siting with a "shot clock," and unleashing more spectrum for broadband.

**Pole Attachments:** Action by the Commission, April 7, 2011, by Order (FCC 11-50). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker. Separate Statements issued by Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker.

Docket Nos.: 07-245, 09-51.

Staff contacts: Jonathan Reel at 202-418-0637 or Marvin Sacks at 202-418-2017.

**Accelerating Broadband Deployment Inquiry:** Action by the Commission, April 7, 2011, by Notice of Inquiry (FCC 11-51). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker. Separate Statements issued by Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker.

Docket No: 11-59

Staff contact: Claudio Pabo at 202-418-1595.